

LEGISLATIVE BILL 512

Approved by the Governor March 3, 2010

Introduced by Lautenbaugh, 18.

FOR AN ACT relating to airport zoning; to amend sections 3-303 and 3-304, Reissue Revised Statutes of Nebraska; to change provisions relating to the regulation of airport hazards; to prescribe duties; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 3-303, Reissue Revised Statutes of Nebraska, is amended to read:

3-303 In order to prevent the creation or establishment of airport hazards, every political subdivision, having that has adopted a comprehensive plan and zoning regulations and has an airport hazard area within the area of its zoning jurisdiction, may shall adopt, administer, and enforce, under the police power and in the manner and upon the conditions hereinafter prescribed, airport zoning regulations for such airport hazard area, which regulations shall meet the minimum regulations as prescribed by the Department of Aeronautics for the airport classifications for each airport and may divide such area into zones and, within such zones, specify the land uses permitted and regulate and restrict the height to which the structures and trees may be erected or allowed to grow.

Sec. 2. Section 3-304, Reissue Revised Statutes of Nebraska, is amended to read:

3-304 Where an airport is owned or controlled by a political subdivision and any airport hazard area appertaining to such airport is located outside the area of zoning jurisdiction of such political subdivision, regulated by zoning regulations adopted pursuant to section 3-303, the political subdivision owning or controlling the airport and the political subdivision within which the airport hazard area is located may, by ordinance or resolution duly adopted, create a joint airport zoning board, which board shall have the same power to adopt, administer, and enforce airport zoning regulations applicable to the airport hazard area in question as that vested by section 3-303 in the political subdivision within whose area of zoning jurisdiction such area is located. Each such joint board shall have two representatives appointed by each political subdivision participating in its creation as members thereof and also a chairperson elected by a majority of the members so appointed. The term of each member shall be four years, except as otherwise provided in this section. Board members who have served more than two years as of March 1, 1984, shall continue to serve for two more years. Board members who have served less than two years as of March 1, 1984, shall continue to serve for four more years.

Sec. 3. Original sections 3-303 and 3-304, Reissue Revised Statutes of Nebraska, are repealed.